

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FREDERIC W. BERTHOFF,)	
Petitioner,)	
)	
v.)	Civil Action No. 04-10170-WGY
)	
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

Government's Motion for Extension of Time

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, pursuant to Federal Rule of Civil Procedure 6(b), respectfully requests that the Court extend the time for the government to respond to Frederic Berthoff's second habeas corpus petition for three business days, to April 7, 2004.

In support of this motion, the government states as follows:

1. The government's response to Frederic Berthoff's second habeas corpus petition, which was filed pursuant to 28 U.S.C. § 2255, was due on Friday, April 2, 2004.
2. The Assistant U.S. Attorney responsible for the Berthoff case has continued to work on the government's responsive pleading over this weekend but has not completed it.
3. Mr. Berthoff's criminal case is over ten year's old. Appeals of his conviction and this Court's denial of his previous 2255 petition were denied by the First Circuit.
4. Even if this Court has jurisdiction over Mr. Berthoff's petition and he is successful in obtaining the relief he seeks,

he will still have a significant amount of time to serve in prison. Mr. Berthoff's projected release date from prison is August 6, 2011. His current habeas petition requests that the Court reduce his sentence by 42 months. As a result, the extra time being sought for the government to respond to the petition will not prejudice Mr. Berthoff.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

April 4, 2004

I hereby certify that I have served a copy of the foregoing by mail on Martin D. Boudreau, 487 Adams Street, Milton, MA, 02186.

/s/ Kevin O'Regan
Kevin O'Regan
Assistant U.S. Attorney